

Introduction

This paper aims to identify the main changes in foster care system occurred as the result of the development of the project "Strengthening of social services dealing with children outside the family, with particular reference to children in foster care and intra hetero family " (hereinafter simply "project MAE AIBI"); the project has been financed by the Italian Ministry of Foreign Affairs and delivered by Ai.Bi. NGO, in partnership with the Ministries of Welfare, Education and Health of the Republic of Kosovo.

This paper does not refer to an impact assessment, but it updates the analysis carried out at the beginning of the project (baseline study) about foster care system: main feature, changes, weakness and critical issues.

1. Context

Republic of Kosovo declared its independence from Serbia on 17th February 2008, after almost ten years of United Nations administration (UNMIK); in 1999, at the end of the conflict, the UN Security Council Resolution 1244 defined the territory as a province independent of Serbia placed under the UN protectorate.

Although a parliament and a provisional government were established for some years, the unilateral declaration of independence led to the creation of a completely new state apparatus and the reorganization of existing structures; this effort still remains with the support of some Countries and several international agencies (primarily EULEX, the civilian mission sent by the European Union to support the Kosovo authorities in maintaining security and public order and strengthening the administration of justice). In this framework, development policies must often deal with the inadequate preparation of staff working in public services; keep in mind, in fact, that since 1990 Albanian population had no access to public office and education in the Albanian language.

The declaration of independence made the inter ethnic coexistence critical; it has strengthened the connection and the dependence between the Serbs community and the motherland and in areas with a Serb majority it perpetuated the functioning of parallel structures directly administered by Serbia.

Only with the agreement reached in April 2013 between the governments in Pristina and Belgrade, the autonomy of Serb municipalities in Kosovo has been recognized and the parallel organization has been dismantled.

This complex process of development take place in a difficult economic environment. The resilience of Kosovo's economy reflects the structural weaknesses of domestic productivity, the strong public expenditures spent on public investments, the lack of attractiveness for foreign investment, the strong influx of foreign assets in the financial system, the inadequate transport and energy infrastructure and the spreading corruption. The steady reflux of remittances, the strong influx of donor support and the limited international integration into the global economy affect the impressive growth rate observed in the last years, even throughout the global crisis¹.

As a consequence, in 2013 59,5% of the working-age population was inactive and the unemployment rate was 28,4%; the participation of women (activity rate was 21,1% of the women and 61,2% of the men; unemployment rate was 38,8% of the women and 26,9% of the men) and young people (the unemployment

¹ World Bank, *Kosovo country profile*; European Union External Action, *Kosovo. 2013 progress report*; Embassy of Switzerland in Kosovo, *Economic report Kosovo 2012*; UNDP, *Kosovo Human Development Report 2012*.

rate of people aged 15-24 was 55,9%) in the labour force in Kosovo is particularly critical². Furthermore, 29,7% of the total population was poor and 10,2% was not able to satisfy the basic needs for food³.

2. Out of family children in Kosovo

According to the data of Kosovo Agency of Statistics, in the last years (2009-2013) the abandoned children amount to 54 on average: 66 in 2009, 50 in 2010, as many in 2011, 54 in 2012 e 52 in 2013⁴.

Although there is no clear statistics, the social workers report that almost all of the child abandonment occurs at birth as a result of unwanted pregnancy and are due to poverty and to cultural issue (pregnancies outside of marriage are not socially accepted and little push mothers to abandon their children, often on the advice of their family of origin.

Children may also be temporarily or permanently placed out of family when their families are not able to provide adequate parental care; this is mainly due to economic conditions as in the case of abandonment, but also to psychic or legal or judicial problems of the parents or to domestic violence and physical and psychological abuse.

In 2014 there were 1,228 children outside the family in Kosovo overall, slightly decreasing from the two previous years (1,285 in 2013 and 1,310 in 2012), but in all cases equal to about 0.3% of children residing in the country.

In this case, the child is placed under the custody of the local *Center for Social Work*, which foster the child possibly with the extended family (kinship care) or with a foster family. These foster families, which have freely expressed their willingness to foster children, must meet specific requirement and be able to provide for the children care; they have to be been trained to handle the duties of care too.

However, often the child is not placed in foster care, but placed in a residential shelter, although it doesn't comply with the law.

3. The decentralization process

Since the end of the conflict, decentralization has been a key element within the development policies of Kosovo and the building process of the newborn state. The UNMIK international administration organized the territory of Kosovo in municipalities to coordinate humanitarian assistance and the development of local administrative structures and established a specific regulation (*UNMIK Regulation n.2000/45 on Self-Government of Municipalities*) too; the proposal of the Special Envoy of the UN Martti Ahtisaari as well as the various negotiations between Pristina and Belgrade (including the recent agreements in Brussels in 2013) attributed a key role to the policies of decentralization in building the new political and institutional arrangement of the area. Decentralization is not only a tool to promote development and effective policy

² Kosovo Agency of Statistics, *Result of the Kosovo 2013 Labour Force Survey*, November 2014.

³ Kosovo Agency of Statistics, *Statistical yearbook of the Republic of Kosovo 2014*, May 2014.

⁴ Kosovo Agency of Statistics, *Statistical yearbook of the Republic of Kosovo 2014*, May 2014.

and services, but also a strategy in management and transformation of the ethnic conflict⁵, by including and involving non-majority communities in decision making and in defining common and shared goals.

Following the *European Charter of Local Self-Government*, the Constitution of Kosovo entered into force in 2008 recognized decentralization as a fundamental instruments and established the basic principles on local self-government organization and operation. After a few months a legal package for the implementation of decentralization was adopted: the *Law on Local Self-Government*, the *Law on Administrative Boundaries of Municipalities*, the *Law on Local Elections* and the *Law on Local Finance* outlined the structure and competencies of the municipal level. An *Action Plan for Decentralization* was issued in the same year and a *Strategy on Local Self-Government 2015-2025* is being drafted in 2014.

Despite the importance and the progress in the last years, the decentralization process is not completed yet, due to many political, legal, territorial, fiscal and organizational issues: an unclear framework of rules and administrative regulations, unable to support an effective division of competences between central and local authorities; a fiscal system that does not guarantee adequate transfers to the Municipality; the difficult integration of Serb communities which have for a long time relating to the state of Serbia in a kind of *double system*; the lack of professional capacities through personnel, managers and politicians involved⁶.

In the field of social services, the expected transfer of competences to the local level took place in the last two years suffered from the same weaknesses of the main process: if the ownership in programming and service delivery has been placed in the hands of the Municipality, the organizational and administrative structure is still largely linked to the central authorities; the economic resources available at local level are insufficient due to an incomplete financial transfer by the State, who receive the most part of taxes income.

In the case of foster care, the Municipalities are in charge of planning and service delivery (identification and training of foster families, assessment of children at risk, taking on the responsibility of out of family children, delivering the socio-psychological services), while the selection of foster families, the matching of these to the out of family children and the provision of grant to foster families are responsibility of the central level; the organizational structure of the care system is quite inconsistent: the Centers for Social Work are the technical local bodies in charge of planning, managing and delivering of the services, but in some (often prevalent) respects they functionally depend on the Ministry of Labour and Social Welfare.

However, in the last three years some important progress have been made in order to overcome weaknesses in the way of effective decentralization of the social care. Among other, concrete efforts were done in the process of standardization of services by the diffusion of the first five minimum standards already approved by the Ministry (domestic violence, child labour, adoption, child custody, elderly persons in institutions) and by the definition of new standards⁷, still ongoing. it's remarkable that minimum standard of service delivery are both effective guideline for planning and management of local social services, both a way for the regulation between public and private interventions (these standards also serve as criteria for licensing family and social services providers) and a guarantee of uniformity of children's rights among different Municipality.

⁵ Si veda, ad esempio: David Loew, *Decentralization as a model for conflict transformation: the case of Kosovo*, Working Paper, Center for Conflict Studies - Philipps University of Marburg, 16/2013.

⁶ Si veda, ad esempio: *Strategy on Local Self-Government 2015-2025 - Draft version, Progress Report On Implementation Of Decentralization In The Republic Of Kosovo* (Ministry of Local Government Administration, 2012).

⁷ Ministry of Labour and Social Welfare, *Report for training related on Law No.04/L-096 for amending and supplementing the Law No. 2003/15 for Social Assistance Scheme in Kosova and four administrative instruction, issued by this Law*, 2013.

Within a project financed by DFID⁸ and focused on financial issues, criteria for allocating resources on the basis of socio-economic scenarios have been developed and training programs on budgeting and policy planning for the staff of the Centers for Social Work and local NGOs have been delivered, as well as capacity building interventions aimed at strengthening the technical and organizational capabilities of the Ministerial Department of Health and Social Welfare and of the Association of Kosovo Municipalities (AKM).

In 2013 this association, which plays a relevant role in the process of decentralization, developed its own specific strategy on the development of social welfare in the period 2014-2016⁹, with the support from MAE AIBI project.

This strategy, shared by all members of the *Collegium of Health and Social Welfare*, focuses on foster care, child labor, juvenil justice, children and women victims of violence; it identifies some goals to be locally achieved by the associated Municipality and commits the Association to promote and deliver interventions targeted to improve the system throughout Kosovo (improving the inter-institutional coordination between Municipalities and other relevant institutions, defining common standard operative procedures, developing data collection and analysis to monitor needs and services delivered, delivering of training programs targeted to social workers of the *Centers for Social Work*).

On foster care, the Strategy aims to:

- improve the inter-institutional coordination between Municipalities and other relevant institutions included in the foster care field;
- define standard operative procedures of foster care service and professional care starting from specific foster care plan developed within MAE AIBI project, and implement them in all Municipalities;
- provide psychological care services for out of family children and foster care families in all Municipalities;
- develop a data collection to monitor children in foster care and foster families;
- develop a strategy and action plan at the municipal level by the Centers for Social Work and Directorates for Health and Social Welfare for the promotion and development of foster care;
- organize of meetings/workshops for sensitizing municipalities which do not have foster families and present the best practices of the Municipalities that have developed foster care.

⁸ UK Department for International Development (DFID), Kosovo Decentralisation of Social Services Project

⁹ Strategy of the work of Collegia of Health and Social Welfare for the year 2014 – 2016.

4. Foster care

To observe the changes occurred, it's useful analyzing the main steps of care delivery, breaking them down into: identifying and reporting children at risk, assessment, out of family placement, foster care, end of foster care period, definition of the legal status.

Identifying and reporting

Identifying children at risk is probably the most harder element to improve in short term: if service providing can be improved and strengthened through economic, organizational and regulatory support, the recognition of the condition of risk and fragility of a child is related to cultural issues (the concept of the child and his rights, the traditional family structure, the parental role, etc.) which require long time to change.

In Kosovo, the family, which is the cornerstone of the social structure, is patriarchal and focused on the authority of the male head of the family, usually the older man; all the sons with his wife and their children live together with him; making decisions that involve all members of the extended family living together is up to him. This means that women often live in a situation of subordination: events of domestic violence and sexual or psychological abuse against women are not so uncommon, also producing a serious impact on the psyche of their children even when they are not directly subjected to violence. Social labelling makes overcoming this condition very hard, because it damages the woman's and family's reputation, as well as the lack of own livelihood makes leaving the family home really difficult.

However, Kosovo is going through a strong socio-cultural transformation and the role and the pattern of the family is changing too: the new couples tend to get independent living solutions, women's employment is increased and more widespread than before, the awareness of the rights of women and children is increasing, the process of urbanization affects more and more areas of the territory.

On the other hand, the effect of the global crisis and the high unemployment rate are not supporting these changes, as well as low levels of education especially among women, the dramatic experiences of the conflict and the long lead times needed by cultural changes (for example, the changes of the family model is producing tensions between different generations or between men and women). So, in many rural areas of Kosovo, the traditional social norms are still crucial.

In this context, identifying and reporting cases of children at risk is certainly complicated: family tensions and domestic violence tend to remain within the families and resolution strategies are often targeted to hide the problem rather than to protect the victims. This cultural background also influences social workers: they often balance the needs to protect a child with the respect for the role of the traditional family with effort and sometimes inappropriately.

Therefore, the observation of potentially hazardous situations must be supported by a technical and specific knowledge of the phenomenon and must involve other agencies of socialization and institutions working in direct contact with the territory, primarily schools and police forces.

The awareness meetings and the training provided under the MAE AIBI project represented a significant step forward in this direction for sure, as well as the meetings held in various Municipality to raise awareness of foster care and children's rights and the media campaign that involved several local TV and radio stations.

The activities carried out by the Multidisciplinary Groups, attended by representatives of CSW, School, Police Community Health Centers and Family Courts, were particularly relevant. Implemented during last year, the

Multidisciplinary Group supported the whole process of care of out of family children and the early start of the protection interventions locally, by sharing the skills, supporting the network and defining agreements to get an effective interaction.

Assessment

The second phase is targeted to assess the risk condition of the child and so to decide the most appropriate way of protection , including out of family placement.

The cultural aspects discussed above have considerable importance again: at this stage the contrast between the traditional social norms focused on family and the external authority of the protection system became manifest.

Operator skills and their ability to analyze the situation are crucial too; the assessment is in fact carried out by the CSW social workers, but not always on time due both to a non-consolidated awareness about the urgency to act, both to the high workload.

The training provided in the last three years certainly contributed to increasing this awareness, which must still be developed, as it was important to provide the psychological services: an effective assessment of the suitability of the family environment in education must include an adequate psychological assessment.

The psychological support has been directly provided by the MAE AIBI project funds decreasing: the whole cost at the beginning and then only a quote has been financed; the service has been organized on a regional basis, providing a part time psychologist for each the region, in order to be not expensive for each Municipality.

At the end of the project, not all Municipalities chose to continue providing psychological services, producing a lack of specialist skills as happened in the past.

Out of family placement

If necessary, the child could be placed out of family; this is extremely critical for the child and the family, an inevitable trauma. It is therefore a delicate action that can seriously compromise the development of the detachment process and the abandonment experience.

Unfortunately in Kosovo removal is often accomplished by Policeman, however unprepared, without the appropriate involvement of the CSW social workers. The involvement of the Community Police in the Multidisciplinary Groups tempted to increase awareness of the agents and promote a joint intervention with the CSW.

Foster care providing

The impact of the project actions is more clear in the foster care providing phase, during which the child is fostered in a family not related by blood.

In particular, the various training activities on several aspects of foster care, as well as the support and the capacity building activities reduced significantly one of the main problems: the weaknesses in terms of skills and competence of staff of the CSW especially about the case manager.

Under the law of Kosovo, in fact, the CSW are responsible for the protection of every out of family child and a case manager is appointed among these social workers; he is in charge of monitoring and periodical

assessing the condition of the child, of the origin and foster families. However, there are no individual or team specialized in the protection of minors, since each operator works on different types of needs (children, adults, elderly), and the social workers often think that the care should be restricted to satisfy housing and material needs.

Furthermore, the ex ante analysis highlights that the case managers strongly preferred residential care: the majority of the out of family children was placed in a shelter, which took care of them, and the CSW were nearly involved in the care.

In this framework, the activities developed to train and coach the case manager on *foster care project* (a specific tool targeted to assess, manage and monitor each out of family child) are certainly important. This tool better replace the inadequate ones used before (often the social workers just filled out personal data) and moreover involves an authentic assessment of the child and of the suitability of the family in education by different skills (social worker, psychologist, educator..).

The inclusion of the psychological skill highly increased the quality and the adequacy and the effectiveness of child protection service. The psychologist make a meaningful contribution not only in case monitoring and in assessment changes, but it is also an essential therapeutic support to the inclusion in the foster family, to the development of the detachment process and the abandonment experience and to face the reasons which led the out of family placement.

At last, *foster care project* has been implemented in every Municipality: the same tool and moreover the same approach is adopted and used in the whole Kosovo; it means that MAE AIBI project laid the basis to ensure that every child in Kosovo can have the same access to the protection system and enjoy the same rights of protection (to guarantee uniformity in protection and universality of children rights). Using the same tools also allows to have consistent and comparable data and information and so give the opportunity to develop a national monitoring system.

According to the Kosovar law, in fact, the *Child Placement Panel* of the *Ministry of Labour and Social Welfare* is obliged to monitor all cases of fostered children. Having consistent and regularly updated information collected under the same criteria is undoubtedly a valuable starting point for the desirable implementation of a *National Observatory on Children* to analyze social need, propose strategies and actions and contribute to the policy making and the planning of services.

The *Child Placement Panel* has also to decide which families could foster out of family children, including the matching between every foster family and every child, but there is no an information system able to support this task.

Another weakness of the protection system concern the selection and training of foster families: these families do not often have suitable economic and housing conditions and sometimes consider the contribution paid by the state to cover the expenses of the fostered child as an additional source of income in the family budget¹⁰.

If the selection of foster families would probably require a deeper assess of the real fostering motivations, also their training is often insufficient and provided only by the NGO operating in the field. The workload and

¹⁰ The State pay a contribution for each out of family child depending on care (75 Euros per month in case of kinship care, 150 Euros in case of foster care) and on special needs (250 Euro per month). Considering the economic situation and the average salaries, the amount could be relevant for a kosovar family.

financial constraints of the CSW compromise the regular monitoring of fostered children and the provided by families as well as the provision of specialized support.

In order to face this difficulties, a *Service Center to Family* started its activities within MAE AIBI project; the Center, which is still working, is targeted to raise awareness and train new foster families and to support the families already fostering children, by providing professional skills (psychologists and educators) and by giving the opportunity to share their own experience.

The inconsistency in the institutional frame, produced by an incomplete decentralization process, is clear too: Municipalities are in charge of the care planning and delivery, so including assessment and training of foster families, but the central *Panel* is responsible for the decision about the suitability of the potential foster families and for their match with the children, as well as the payment of the contribution to families remains up to Ministry.

End of foster care period

Foster care is characterized by time-limited caring children within a family; in other words, it aims to ensure a temporary safe condition able to both fulfill the right to grow up in safe and healthy environment and to both give time for the improvement of the conditions of the biologic family. Following this approach, Kosovar law make provision for two different type of foster care: a short-term ones (up to 6 months) and a long-term ones (up to 1 year); in any case, foster care cannot last more than two years. After this limit, the temporary condition has to be stopped and the protection system has to assure children of the right to live and grow up in a stable condition and in one family; children can come back to their families, if able to ensure parental care, or they must be adopted.

In reality, this process is affected by several problems: first of all, weaknesses of the CSW in term of resources and skills make the intervention on families of origin less effective and reduce the real chance of the children to join the families again.

Then, there is no effective supervision and control of the process that should lead to the decision on the parental authority, even more relevant taking into account the following critical issues: CSW social workers tend to prefer anyway blood ties and they are often concerned about their own safety in case of removing parental authority; on the other side, the judges, which deal with such cases in the ordinary administration of justice (there is no Juvenile Court), have no specialist knowledge and cannot ensure timely intervention, because of an overload work; the ministerial *Panel* cannot monitor the cases effectively because of the lack of a monitoring system.

In several cases, these factors lead to a *sine die* foster care, a sort of judicial limbo in which the child continue living with the foster family and remains without a settled *status*, so distorting the process and the sense of the whole children protection system.

The specific training delivered to the judges during the MAE AIBI project, as well as their involvement in the Multidisciplinary Groups helped to focus their attention on this issue, to strengthen the relationship between CSW and Tribunals and to define the everyone responsibilities considering the difficulties that everybody faces in defining the legal status of the child. It 'also clear that only the creation of Juvenile Courts or the appointment of specialized Judges and setting up of effective procedures, together with passing over the resistance of certain strong cultural elements, will produce real change.

5. Conclusions

During the period 2012-2014, the foster care system in Kosovo undergone significant growth, mainly as a result of the MAE AIBI project; the change was articulated along some main issues:

- the skill improvement of every actor involved in the protection system, in particular CSW social workers and case managers: by training activities and a constant support targeted to capacity building, CSW operators applied and experienced an appropriate method of intervention and a multidisciplinary tool (*foster care project*), ready to be adopted throughout Kosovo. Training was also provided to members of Schools, Centres of Family Medicine, Police and Courts, increasing the awareness, knowledge and skills about the conditions of risk, the protection measures, and foster care.
- strengthening the local networks by sharing the intervention model, discussing and defining practices and promoting the exchange of information and skills;
- the progress of the decentralization, by a transfer of competences to the Municipality (to be completed yet) and the definition of national minimum standards. At the same time, strengthening children protection system and foster care has been identified as a priority by the *Strategy of the work of Collegia of Health and Social Welfare for the year 2014 – 2016* and some specific development effort to be developed in the next years are identified.
- the increase in available resources to assess children at risk and deliver foster care and assessments of children at risk: among other, the material support to CSW, the inclusion of the psychologist, who improved the quality and the appropriateness of the service definitely, and the support to foster families by the implementation of the *Service Center to Family*.
- raising awareness activities on the issues of child protection in general and of foster care in particular, both to spread the knowledge and increase the attention towards to issue, both to recruit new foster families, which are needed to make foster care really available.

As a result, the data about foster case show a growth trend: if less than half (48.7%) of out of family children was fostered in 2012, the value amounted to about half (50.4%) a year later and then grow further in 2014 (52.6%); a foster care project was developed for 3.9% of fostered children in 2012, 9.3% in 2013 and finally 12.4% in 2014.

Even if it seems that the changes are quite low, we have to take into consideration that occurred in a very short period; this is not long enough to accomplish the development of the foster care system, especially in a complex and ever-changing context and considering the weaknesses at the beginning; so, despite the growth, some weaknesses, not only about cultural issue, still remain. In the next years improving some issues, which have been not enough faced, and strengthen the changes put in place will be important to get better the system. In this sense, it is important to pay attention to some recommendation:

- to set up a dedicated system for minors under the Courts and Administration of Justice, with the fulfillment of the law that provides for the establishment of Departments for Minors and the control of the process to define the legal status of children outside the family;
- to adopt the methodology and the working tools related to *foster care project* in every Municipality, as advocated in the *Strategy of the Association of Kosovo Municipalities*;
- to ensure the resources needed to provide appropriate services, including the psychological support to out of family children, children at risk, foster families and those related by blood, in every intervention phase;

- to train and support foster families;
- to train Policemen to improve the recognition of the conditions of risk and the children removal practices;
- to bring the decentralization process to completion, by transferring the competences to the local level and by defining roles and procedure consistently;
- to continue to strengthen local network;
- to develop awareness campaign at national and local level in order to increase the number of foster families;
- to develop a monitoring system on fostered children and foster families, in order to get information on specific needs and available resources and to support policy planning and management at national and local level.